

Timothy P. Dillon, Esq. (SBN 190839)
Nadya Y. Spivack, Esq. (SBN 222595)
Dillon & Gerardi, APC
4660 La Jolla Village Drive
Suite 775
San Diego, CA 92122
Telephone: (858) 587-1800
Facsimile: (858) 587-2587

Attorneys for Defendants, Andra Leonard Allen and Forever Diamonds

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

1 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

2 I, Timothy P. Dillon, Esq., caused the following:

3 I am employed in the County of San Diego, State of California. I am over the age of 18
 4 and not a party to the above-entitled action. My business address is 4660 La Jolla Village
 Drive, Suite 775, San Diego, CA 92122.

5 On June 19, 2008, I served the following documents:

6 **1. NOTICE OF MOTION TO DISMISS FOR LACK OF VENUE OR IN THE
 7 ALTERNATIVE TO TRANSFER VENUE, MOTION TO DISMISS FOR FAILURE
 8 TO STATE A CLAIM AND MOTION TO STRIKE [Fed. Rules of Civ. Proc. 12(b)(3);
 12(b)(6); 28 U.S.C. §§1404 and 1406]**

9 **2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION
 10 TO DISMISS FOR LACK VENUE OR IN THE ALTERNATIVE TO TRANSFER
 11 VENUE AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
 [Fed. Rules of Civ. Proc.; 12(b)(3); 12(b)(6); 28 U.S.C. §§1404 and 1406]**

12 **3. DECLARATION OF ANDRA ALLEN IN SUPPORT OF MOTION TO DISMISS
 13 FOR LACK OF AND VENUE OR, IN THE ALTERNATIVE, TO TRANSFER
 14 VENUE; AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
 [Fed. Rules of Civ. Proc. 12(b)(3); 12(b)(6); 28 U.S.C. §§1404 and 1406]**

16 **4. REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISMISS
 17 FOR LACK OF VENUE OR IN THE ALTERNATIVE TO TRANSFER VENUE, AND
 18 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
 [Fed. Rules of Civ. Proc. 12(b)(3); 12(b)(6); 28 U.S.C. §§1404 and 1406]**

20 XX (BY ELECTRONIC FILING): I am familiar with the United States District Court,
 21 Southern District of California's practice for collecting and processing electronic filings. Under
 22 that practice, documents are electronically filed with the court. The court's ECF system will
 23 generate an automatic e-mail of filing activity ("NEF") to the filing party and any registered
 24 users in the case. The NEF will constitute service of the document. Registration as an ECF
 user constitutes consent to electronic service through the court's transmission facilities. Under
 said practice, the following ECF users were served:

25 Anna Salusky: ars@csslawllp.com

26 _____ (BY MAIL): I enclosed the documents in a sealed envelope or package addressed to
 27 the following persons and deposited the sealed envelope in a post office, mailbox, subpost
 28 office, substation, or mail chute, or other like facility regularly maintained by the United States

1 Postal Service, in San Diego, California, with the postage fully prepaid: (C.C.P. Section
2 1013(a); 2015.5, 415.40):

3 _____ (BY OVERNIGHT MAIL): I caused the above-described documents to be delivered
4 via overnight delivery, by placing a copy in a separate OVERNIGHT MAIL mailer and
5 attached a completed air bill, with Standard Overnight delivery requested, and caused said
6 mailed to be deposited in the overnight mail collection box at San Diego, California:

7 _____ (BY PERSONAL SERVICE): I caused each such envelope to be delivered by hand to
8 the addressee:

9 _____ (BY FACSIMILE): I caused such document to be served on all parties to this action via
10 facsimile at the numbers indicated on this service list (C.C.P. Section 1012.5).

11 _____ (State): I declare under penalty of perjury under the laws of the State of California that
12 the above is true and correct

13 _____ (Federal): I declare that I am employed in the office of a member of the bar of this
14 Court at whose direction the service was made.

15 Executed on June 19, 2008 in San Diego, California.

16
17
18
19
20
21
22
23
24
25
26
27
28
s/Timothy Dillon, Esq.
Attorneys for Defendants,
Andra Leonard Allen
and Forever Diamonds